

UNITED STATES DISTRICT COURT

for the
Southern District of Illinois

<u>Antwon D. Jenkins</u>)	
_____)	Case Number: <u>21-cv-1371-JPG</u>
_____)	(Clerk's Office will provide)
_____)	
Plaintiff(s)/Petitioner(s))	
v.)	<input checked="" type="checkbox"/> CIVIL RIGHTS COMPLAINT
)	pursuant to 42 U.S.C. §1983 (State Prisoner)
<u>Kenny Benzing and Bryan Carter</u>)	<input type="checkbox"/> CIVIL RIGHTS COMPLAINT
_____)	pursuant to 28 U.S.C. §1331 (Federal Prisoner)
_____)	<input type="checkbox"/> CIVIL COMPLAINT
_____)	pursuant to the Federal Tort Claims Act, 28 U.S.C.
Defendant(s)/Respondent(s))	§§1346, 2671-2680, or other law

I. JURISDICTION

Plaintiff:

A. Plaintiff's mailing address, register number, and present place of confinement. Antwon D. Jenkins
09778-025
FCI Talladega
Po Box 1000
Talladega, Alabama 35160

Defendant #1:

B. Defendant Kenny Benzing is employed as
(a) (Name of First Defendant)
Jail Administrator (Washinton County Jail)
(b) (Position/Title)
with White County Jail-204 North Washington Street Salem,
(c) (Employer's Name and Address)
Salem, Illinois 62881

At the time the claim(s) alleged this complaint arose, was Defendant #1 employed by the state, local, or federal government? ☒ Yes ☐ No

If your answer is YES, briefly explain:

The Defendant was employed by the State government in Salem, Illinois

Defendant #2:

C. Defendant Bryan Carter is employed as

(Name of Second Defendant)

Sergeant at White County Jail in Salem, Illinois

(Position/Title)

with White County Jail-204 North Washington Street Salem, Illinois
(Employer's Name and Address)

62881

At the time the claim(s) alleged in this complaint arose, was Defendant #2
employed by the state, local, or federal government? ☒ Yes ☐ No

If you answer is YES, briefly explain:

The Defendant was employed by the State of Illinois at White County Jail.

Additional Defendant(s) (if any):

D. Using the outline set forth above, identify any additional Defendant(s).

N/A

II. PREVIOUS LAWSUITS

A. Have you begun any other lawsuits in state or federal court while you were in prison or jail (during either your current or a previous time in prison or jail), e.g., civil actions brought under 42 U.S.C. § 1983 (state prisoner), 28 U.S.C. § 1331 (federal prisoner), 28 U.S.C. §§ 1346, 2671-2680, or other law? ☒ Yes ☐ No

B. If your answer to "A" is YES, describe each lawsuit in the space below. If there is more than one lawsuit, you must describe the additional lawsuits on another sheet of paper using the same outline. **List ALL lawsuits in any jurisdiction and indicate the court where they were filed to the best of your ability**, including those that resulted in the assessment of a "strike" under 28 U.S.C. § 1915(g) and/or those that were dismissed for being frivolous, malicious, or for failure to state a claim (see 28 U.S.C. § 1915A; 28 U.S.C. § 1915(e)(2); Federal Rule of Civil Procedure 12(b)(6)). FAILURE TO FULLY DISCLOSE YOUR LITIGATION HISTORY, INCLUDING "STRIKES," MAY RESULT IN SANCTIONS THAT INCLUDE DISMISSAL OF THIS ACTION.

1. Parties to previous lawsuits:

Plaintiff(s): Antwon D. Jenkins

Defendant(s): Randy Cobb

2. Court (if federal court, name of the district; if state court, name of the county): United States District for the Southern of Illinois

3. Docket number: 17-cv-937-JPG-MAG

4. Name of Judge to whom case was assigned: Honorable Phil Gilbert

5. Type of case (for example: Was it a habeas corpus or civil rights action?): Civil Rights Action

6. Disposition of case (for example: Was the case dismissed? Was it appealed? Is it still pending?): Jointly dismissed

7. Approximate date of filing lawsuit: August 22, 2017
8. Approximate date of disposition: December 2, 2021
9. Was the case dismissed as being frivolous, malicious, or for failure to state a claim upon which relief may be granted and/or did the court tell you that you received a "strike?"

NO

III. GRIEVANCE PROCEDURE

- A. Is there a prisoner grievance procedure in the institution? ☒ Yes ☐ No
- B. Did you present the facts relating to your complaint in the prisoner grievance procedure? ☒ Yes ☐ No
- C. If your answer is YES,
1. What steps did you take?
- Plaintiff filed several complaints but they were denied or never addressed
2. What was the result?
- Plaintiff's grievances were wither denied or never addressed
- D. If your answer is NO, explain why not.
- N/A
- E. If there is no prisoner grievance procedure in the institution, did you complain to prison authorities? ☐ Yes ☒ No
- F. If your answer is YES,
1. What steps did you take?

N/A

2. What was the result?

N/A

G. If your answer is NO, explain why not.

N/A

H. Attach copies of your request for an administrative remedy and any response you received. If you cannot do so, explain why not:

Plaintiff has attached copies of the grievances that were answered.
The other grievances were not addressed or returned.
(See Exhibit A)

COP**MARION COUNTY JAIL
GRIEVANCE FORM**DATE: 9-25-19 NAME: Antwon Jenkins CELL: E6

COMPLAINT OR REQUEST: I just arrived here and I was placed
in a cell block (E-Block) with majority state inmates. I am
in the custody of the US marshals. Upon my arrival several
State inmates have indicated that Federal inmates are not favored
in E-Block. Majority of the inmates are from Centelle or the
surrounding area. I am from East St Louis. Would you please
move me to another block with federal inmates

INMATE SIGNATURE & DATE: [Signature] 9-25-19

RESPONSE: Given to marshals to make arrangements

RESPONDER SIGNATURE, TITLE & DATE: [Signature] Sgt 9-25-19 @ 2/30


GRIEVANCE PROCEDURE:

- Step 1: Discuss your grievance or request with an Officer. If the Officer cannot solve the grievance or fulfill the request, proceed to Step 2.
- Step 2: Submit a completed GRIEVANCE FORM to the Jail Sergeant. If your grievance is not resolved, you can proceed to Step 3.
- Step 3: Submit a completed GRIEVANCE FORM to the Jail Administrator. If your grievance is not resolved, you can proceed to Step 4.
- Step 4: Submit a completed GRIEVANCE FORM to the Sheriff. The decision of the Sheriff will be final.


**INMATES HAVE 24 HRS. FROM THE TIME OF AN INCIDENT TO FILE A GRIEVANCE &
 24 HRS. FROM EACH TIME A GRIEVANCE IS DENIED TO APPEAL TO THE NEXT STEP.**

COPY**MARION COUNTY JAIL
GRIEVANCE FORM**DATE: 9-27-19 NAME: Antwan Jenkins CELL: E-V

COMPLAINT OR REQUEST: This is my second grievance about being housed in E-Block with majority state inmates. Things are becoming heated in here. Another Federal inmate (Vaughn) that also recently arrived has filed a grievance about the same thing. I would like to be moved to another block, with Federal inmates. I'm not from this area and it is a lot of guys from California. They are sticking together and one of them says that he is the "Block Boss". I'm not looking for any trouble. I just want to be safe.

INMATE SIGNATURE & DATE:  9-27-19

RESPONSE: Same answer as Vaughn, we have an order in. Check with Guards everyday show them

RESPONDER SIGNATURE, TITLE & DATE:  9-28-19 @ 0935**GRIEVANCE PROCEDURE:**

- Step 1: Discuss your grievance or request with an Officer. If the Officer cannot solve the grievance or fulfill the request, proceed to Step 2.
 Step 2: Submit a completed GRIEVANCE FORM to the Jail Sergeant. If your grievance is not resolved, you can proceed to Step 3.
 Step 3: Submit a completed GRIEVANCE FORM to the Jail Administrator. If your grievance is not resolved, you can proceed to Step 4.
 Step 4: Submit a completed GRIEVANCE FORM to the Sheriff. The decision of the Sheriff will be final.

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MARION COUNTY JAIL
GRIEVANCE FORMDATE: 10-16-19 NAME: Antwan Jenkins CELL: E 6

COMPLAINT OR REQUEST: I am a Federal inmate that arrived here last month. I have complained twice about being moved from E-Block. I am being housed with State inmates from Centralia; the surrounding area. These State inmates have made repeated threats that they do not like Federal inmates or guys from E-St Louis. They are sticking together and one of them is a "Black Boss". He says that he controls the tv. He has made threats; I continue to overlook them. I'm not trying to fight, I'm trying to be safe.

INMATE SIGNATURE & DATE: [Signature] 10-16-19

RESPONSE: You are not expected to understand why, but you are expected to respect it as it is a facility rule/policy.

RESPONDER SIGNATURE, TITLE & DATE: Administrator Benzing 10/18/19**GRIEVANCE PROCEDURE:**

- Step 1: Discuss your grievance or request with an Officer. If the Officer cannot solve the grievance or fulfill the request, proceed to Step 2.
- Step 2: Submit a completed GRIEVANCE FORM to the Jail Sergeant. If your grievance is not resolved, you can proceed to Step 3.
- Step 3: Submit a completed GRIEVANCE FORM to the Jail Administrator. If your grievance is not resolved, you can proceed to Step 4.
- Step 4: Submit a completed GRIEVANCE FORM to the Sheriff. The decision of the Sheriff will be final.

INMATES HAVE 24 HRS. FROM THE TIME OF AN INCIDENT TO FILE A GRIEVANCE &
24 HRS. FROM EACH TIME A GRIEVANCE IS DENIED TO APPEAL TO THE NEXT STEP.

MARION COUNTY JAIL
GRIEVANCE FORM

COPY

DATE: 7-9-20

NAME: Anthony Smith

CELL: C-7

COMPLAINT OR REQUEST: Today I was denied ~~my~~ pain medication by the nurse. The nurse said I was lying that I had it in my cell in November 2019. Since then I have been having complications of a re-injury, i.e. extreme back pain, intense back spasms and more damage. The ~~nurse~~ nurse informed that I would be going to a doctor. But I requested to be provided with pain relief until then. The nurse told that I had "phantom" pain in my back. I should buy a painkiller I have 2 lbs. and not stop working. My backaches are massive. And the FPD officer, who is Marshall pay for it.

INMATE SIGNATURE & DATE: [Signature] 7-9-20

RESPONSE: This is a medical situation. This will be forward to J.A and Nurse for Review

RESPONDER SIGNATURE, TITLE & DATE: [Signature] Sgt 7-9-20 @ 1731

GRIEVANCE PROCEDURE:

- Step 1: Discuss your grievance or request with an Officer. If the Officer cannot solve the grievance or fulfill the request, proceed to Step 2.
- Step 2: Submit a completed GRIEVANCE FORM to the Jail Sergeant. If your grievance is not resolved, you can proceed to Step 3.
- Step 3: Submit a completed GRIEVANCE FORM to the Jail Administrator. If your grievance is not resolved, you can proceed to Step 4.
- Step 4: Submit a completed GRIEVANCE FORM to the Sheriff. The decision of the Sheriff will be final.

INMATES HAVE 24 HRS. FROM THE TIME OF AN INCIDENT TO FILE A GRIEVANCE & 24 HRS. FROM EACH TIME A GRIEVANCE IS DENIED TO APPEAL TO THE NEXT STEP.

IV. STATEMENT OF CLAIM

- A. State here, as briefly as possible, when, where, how, and by whom you feel your constitutional rights were violated. Do not include legal arguments or citations. If you wish to present legal arguments or citations, file a separate memorandum of law. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. If your claims relate to prison disciplinary proceedings, attach copies of the disciplinary charges and any disciplinary hearing summary as exhibits. You should also attach any relevant, supporting documentation.

Claim #1: On September 25, 2019, the Plaintiff arrived at Marion County Jail on a writ from the Federal Bureau of Prisons (FBOP). He was transferred to Marion County Jail for resentencing in his federal case. (See *US v. Jenkins*, 932 F.3d 556 (7th Cir. July 30, 2019) and **Federal Case No: 12-cr-30239-SMY(S.D.IL.)**). He was placed in E-Block at Marion County Jail. Majority of the inmates in E-Block were State detainees from local town, namely Centraillia, Illinois. Those detainees inform the Plaintiff that they "did not like" Federal inmates. And since the Plaintiff was from "East ST. Louis" he would "not be safe in there". On September 25, 2019, September 27, 2019, and October 16, 2019, the Plaintiff filed grievances with Marion County Jail Administrator Kenny Benzing and Marion County Sergeant Bryan Carter, regarding his safety, asking to be moved to a different cell block (with other federal inmates). The Plaintiff asserted that the State inmates were threatening him, with one proclaiming to be the "Block Boss". The Plaintiff's requests went unanswered and his request to the Sheriff was not answered or returned. On November 11, 2019, at or about 7:00pm, the Plaintiff and a State inmate (only known as "TG"), got into an altercation where the Plaintiff was assaulted after "TG" informed Plaintiff that he could not watch t.v., because he was not from Centraillia. The Plaintiff was badly injured and transported to a hospital in St. Louis, Missouri. The Plaintiff underwent a major surgery on his left eye. His left tear duct was severely damaged and required immediate surgery. He also suffered a deep cut on his right cheek. This cut also required immediate surgery. The Plaintiff believes that he was cut and stabbed with a sharp object on his face. The Plaintiff's eye continues to grow worst as time passes. His vision is blurry, he has headaches, blackouts, dizziness, and sometimes he passes out. He also suffers from nerve damage from the damage to his right cheek.

Plaintiff complained to Nurse Allison Alexander (Marion County Jail), regarding his continuing pain that resulted from his injuries. On July 8, 2020, the Nurse Alexander informed the Plaintiff he would not receive any further medication, because he had "plenty money" on his prison account. He was informed to purchase pain medicine from the commissary. Plaintiff informed Nurse Alexander that the pain medicine of commissary was not strong enough, but he was forced to endure the pain:

Rev. 10/3/19

V. REQUEST FOR RELIEF

State exactly what you want this court to do for you. If you are a state or federal prisoner and seek relief which affects the fact or duration of your imprisonment (for example: illegal detention, restoration of good time, expungement of records, or parole), you must file your claim on a habeas corpus form, pursuant to 28 U.S.C. §§ 2241, 2254, or 2255. Copies of these forms are available from the clerk's office.

The Plaintiff seeks the following:

Claim #1 (\$950,000)
Punitive Damages (\$250,000)

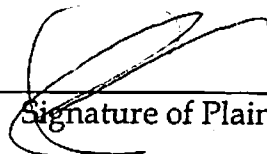
VI. JURY DEMAND (*check one box below*)

The plaintiff ☒ does ☐ does not request a trial by jury.

DECLARATION UNDER FEDERAL RULE OF CIVIL PROCEDURE 11

I certify to the best of my knowledge, information, and belief, that this complaint is in full compliance with Rule 11(a) and 11(b) of the Federal Rules of Civil Procedure. The undersigned also recognizes that failure to comply with Rule 11 may result in sanctions.

Signed November 9, 2022
on: (date)


Signature of Plaintiff

Po Box 1000-FCI Talladega
Street Address

Antwon D. Jenkins
Printed Name

Talladega, Alabama 35160
City, State, Zip

09778-025
Prisoner Register Number

Signature of Attorney (if any)



Birmingham, AL 352
THU 10 NOV 2022 PM

LEGAL MAIL

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COURT FOR THE SOUTHERN
DISTRICT OF ILLINOIS
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EAST ST. LOUIS, IL
62201

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US MARSH

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TALLADEGA, AL 35160



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NOV 15 2022

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS
EAST ST. LOUIS OFFICE